

GARY S. WINUK
Chief of Enforcement
ANGELA J. BRERETON
Senior Commission Counsel
FAIR POLITICAL PRACTICES COMMISSION
428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
Facsimile: (916) 322-1932

Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

In the Matter of) FPPC No. 10/494
)
)
)
MIKE BRIGGS, MIKE BRIGGS FOR CITY) DEFAULT DECISION AND ORDER
COUNCIL 2010,)
)
)
) (Gov. Code §§ 11506 and 11520)
Respondents.)
)

Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission, hereby submits this Default Decision and Order for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

Pursuant to the California Administrative Procedure Act,¹ Respondents Mike Briggs and Mike Briggs For City Council 2010, have been served with all of the documents necessary to conduct an administrative hearing regarding the above-captioned matter, including the following:

1. An Order Finding Probable Cause;
2. An Accusation;
3. A Notice of Defense (Two Copies);

¹The California Administrative Procedure Act, which governs administrative adjudications, is contained in Sections 11370 through 11529 of the Government Code.

1 4. A Statement to Respondent; and

2 5. Copies of Sections 11506, 11507.5, 11507.6 and 11507.7 of the Government Code.

3 Government Code Section 11506 provides that failure of a respondent to file a Notice of Defense
4 within 15 days after being served with an Accusation shall constitute a waiver of respondent's right to a
5 hearing on the merits of the Accusation. The Statement to Respondent, served on Respondents Mike
6 Briggs and Mike Briggs For City Council 2010, explicitly stated that a Notice of Defense must be filed
7 in order to request a hearing. Respondents failed to file a Notice of Defense within fifteen days of being
8 served with the Accusation.

9 Government Code Section 11520 provides that, if the respondent fails to file a Notice of
10 Defense, the Commission may take action, by way of a default, based upon the respondent's express
11 admissions or upon other evidence, and that affidavits may be used as evidence without any notice to the
12 respondent.

13 Respondents Mike Briggs and Mike Briggs For City Council 2010, violated the Political Reform
14 Act as described in Exhibit 1, and accompanying declarations, which are attached hereto and
15 incorporated by reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of
16 the law and evidence in this matter. This Default Decision and Order is submitted to the Commission to
17 obtain a final disposition of this matter.

18 Dated: _____

Roman G. Porter
Executive Director
Fair Political Practices Commission

ORDER

The Commission issues this Default Decision and Order and imposes an administrative penalty of Nine Thousand Five Hundred Dollars (\$9,500) upon Respondents Mike Briggs and Mike Briggs For City Council 2010, payable to the “General Fund of the State of California.”

IT IS SO ORDERED, effective upon execution below by the Chairman of the Fair Political Practices Commission at Sacramento, California.

Dated: _____

Chairman
Fair Political Practices Commission